

रजिस्टर्ड नं० पी० 461.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 28 अप्रैल, 1973/8 वैशाख, 1895

GOVERNMENT OF HIMACHAL PRADESH

VIDHAN SABHA SECRETARIAT

NOTIFICATIONS

Simla-4, the 2nd April, 1973

No. 10-13/73-VS—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the H. P. Legislative Assembly, the Prisons

(H. P. Amendment) Bill, 1973 (Bill No. 5 of 1973) as introduced in the H. P. Legislative Assembly on 2nd April, 1973 is hereby published in the Government Gazette.

S. S. KANWAR,
Secretary

Bill No. 5 of 1973.

THE PRISONS (HIMACHAL PRADESH AMENDMENT) BILL, 1973

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A
BILL

to amend the Prisons Act, 1894 (Act No. 9 of 1894), in its application to Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prisons (Himachal Pradesh Amendment) Act, 1973.
(2) It shall extend to the whole of Himachal Pradesh.
(3) It shall come into force at once.

9 of 1894 2. For clause (4) of section 46 of the Prisons Act, 1894, in its application to Himachal Pradesh, the following shall be, and shall be deemed always to have been, substituted, namely:—

- “(4) (a) temporary forfeiture of class, grade or prison privileges,
(b) temporary or permanent reduction from a higher to a lower class or grade,
(c) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the State Government;”.

27 of 1957 3. The Prisons (Punjab Amendment) Act, 1957, in its application to the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, is hereby repealed:

31 of 1966

Provided that the repeal of the said Act shall not affect anything done or any action taken thereunder.

Short title,
extent and
commencement.

Amendment
of section
46.

Repeal and
savings.

STATEMENT OF OBJECTS AND REASONS

At present, the Prisons Act, 1894, which provides to regulate the temporary/permanent forfeiture/reduction of class, grade or prison privileges of prisoners is in force with different modifications and provisions of law in the two different areas of Himachal Pradesh viz., the areas transferred to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, and the territories comprised in Himachal Pradesh immediately prior to 1st November, 1966. With a view to bringing about uniformity, it is necessary to have a unified law for the entire Himachal Pradesh and to regularise the retention of punishments in the jail rules. This Bill seeks to achieve the aforesaid objects.

SIMLA:
The 2nd March, 1973.

MANSA RAM,
Minister-in-charge.

FINANCIAL MEMORANDUM Nil

MEMORANDUM ON DELEGATED LEGISLATION

Clause 2 of the Bill read with section 59 of the principal Act, empowers the State Government to make rules for the purposes of the said clause. This delegation is normal in character.

Simla-4, the 30th March, 1973

No. 10-12/73-VS.—In pursuance to rule 135 of the Rules of Procedure and conduct of Business of the H. P. Legislative Assembly, the Himachal Pradesh Appropriation Bill, 1973 (Bill No. 1 of 1973) as introduced is hereby published in the H. P. Government Gazette.

S. S. KANWAR,
Secretary.

Bill No. 1 of 1973.

THE HIMACHAL PRADESH APPROPRIATION BILL, 1973

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Himachal Pradesh for the services of the year ending on the 31st day of March, 1973.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Himachal Pradesh Appropriation Act, 1973. Short title
2. From and out of the Consolidated Fund of the State of Himachal Pradesh, there may be paid and applied further sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two crores, sixty-six lakhs sixty-four thousand, three hundred and fifty rupees towards defraying the charges which will come in course of payment during the financial year 1972-73 in respect of the services specified in column 2 of the Schedule. Issue
a further
sum of R
2,66,64,3
out of t
Consolidate
d Fund
the State
Himacha
Pradesh
for the y
1972-73.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Himachal Pradesh by this Act shall be further appropriated for the services and purposes expressed in the Schedule in relation to the period mentioned in section 2 of this Act. Appropriation.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Service and purposes	Voted by the Legisla- tive Assembly	Charged on the Consoli- dated Fund	Total
1	2	3	4	
		Rs.	Rs.	Rs.
4.	Parliament, State/Union Territory Legislatures ..	1,34,000	—	1,34,000
6.	Administration of Justice ..	1,23,000	77,000	2,00,000
8.	Miscellaneous Departments	5,95,000	—	5,95,000
9.	Education and Cultural Affairs	28,24,000	—	28,24,000
10.	Medical and Public Health Services	18,21,000	—	18,21,000
11.	Agriculture Programme ..	12,35,000	—	12,35,000
12.	Forest Programme ..	33,25,000	—	33,25,000
14.	Industries and Labour ..	62,17,000	—	62,17,000
17.	Capital Outlay on Public Works	—	14,250	14,250
20.	Privy Purses and Allowances of Indian Rulers ..	1,50,000	—	1,50,000
21.	Miscellaneous ..	—	1,100	1,100
26.	Capital Outlay on Public Works	12,03,400	1,44,600	13,48,000
30.	Capital Outlay on Schemes of Government Trading ..	43,00,000	—	43,00,000
31.	Loans and Advances by State and Union Territory Governments ..	45,00,000	—	45,00,000
	TOTAL ..	2,64,27,400	2,36,950	2,66,64,350

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of Article 204(1) of the Constitution of India to provide for the appropriation out of the Consolidated Fund of the State of Himachal Pradesh of the moneys further required to meet the expenditure charged on the Consolidated Fund and other expenditure as voted by the Legislative Assembly in respect of the estimated expenditure of the Government of Himachal Pradesh for the financial year 1973-74.

SIMLA:
The 30th March, 1973.

Y. S. PARMAR,
Chief Minister.

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[Finance Department File No. 3-79/72-Fin.(A) Vol. I]

The Governor, having been informed of the subject matter of the proposed Himachal Pradesh Appropriation Bill, 1973 recommends under Article 207 of the Constitution, the introduction in and consideration by the Legislative Assembly of the said Bill.

Simla-4, the 30th March, 1973

No. 10-12/73-VS.—In pursuance to Rule 135 of the Rules of Procedure and Conduct of Business of the H. P. Legislative Assembly, the Himachal Pradesh Appropriation (Vote on Account) Bill, 1973 as introduced on the 30th March, 1973 is hereby published in the H. P. Government Gazette.

S. S. KANWAR,
Secretary.

Bill No. 2 of 1973.

**THE HIMACHAL PRADESH APPROPRIATION (VOTE ON ACCOUNT)
BILL, 1973**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A
BILL

to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Himachal Pradesh for the services of a part of the financial year, 1973-74.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Himachal Pradesh Appropriation (Vote on Account) Act, 1973.

Short title

2. From and out of the Consolidated Fund of the State of Himachal Pradesh, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of eleven crores, twenty-five lakhs, ten thousand and four hundred rupees towards defraying several charges which will come in course of payment during the financial year, 1973-74.

Withdrawal
of Rs.
11,25,10,400
from and
out of the
Consolidated
Fund of the
State of
Himachal
Pradesh for
the financial
year 1973-74.

3. The sums authorised to be withdrawn from and out of the Consolidated Fund of the State of Himachal Pradesh by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the period mentioned in section 2 of the Act.

Appropriation.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Service and purposes	Sums not exceeding			Total
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	Rs.	
1	2	3	4	Rs.	
1	Land Revenue ..	10,39,200	100	10,39,300	
2	Excise and Taxation ..	2,38,200	—	2,38,200	
3	Taxes on Vehicles ..	17,900	—	17,900	
—	Interest on Debt and Other Obligations ..	—	53,33,000	53,33,000	
—	Appropriation for Reduction or Avoidance of Debt ..	—	77,000	77,000	
4	Parliament, State/Union Territory Legislatures ..	2,38,600	3,500	2,42,100	

1	2	3	4
		Rs.	Rs.
5	General Administration ..	19,45,000	97,200
6	Administration of Justice ..	2,33,300	70,800
7	Jails, Police and Civil Defence ..	38,57,800	100
8	Miscellaneous Departments ..	5,64,900	—
9	Education and Cultural Affairs ..	1,33,89,300	—
10	Medical and Public Health Services ..	40,03,200	—
11	Agriculture Programme ..	48,52,000	—
12	Forest Programme ..	66,78,600	—
13	Co-operation, Community Development and Housing ..	48,70,200	—
14	Industries and Labour ..	18,88,800	—
15	Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works ..	43,900	—
16	Public Works ..	1,44,70,700	—
17	Capital Outlay on Public Works ..	4,89,000	—
18	Road and Water Transport Schemes ..	37,08,300	—
19	Pensions and Other Retirement Benefits ..	6,18,300	1,200
20	Privy Purses and Allowances of Indian Rulers ..	16,600	—
21	Miscellaneous ..	7,32,500	—
22	Payment of Compensation to Land Holders ..	8,300	—
23	Capital Outlay on Improvement of Public Health ..	18,96,600	—
24	Capital Outlay on Schemes of Agricultural Improvement and Research ..	3,68,500	—
25	Capital Outlay on Industrial and Economic Development ..	10,16,000	—
26	Capital Outlay on Public Works ..	78,15,000	—
27	Capital Outlay on Road and Water Transport Schemes ..	3,54,100	—
28	Capital Outlay on Forests ..	1,33,300	—
29	Payment of Commuted Value of Pensions ..	5,700	—
30	Capital Outlay on Schemes of Government Trading ..	1,00,36,700	—
—	Charges on account of Repayment of Debt ..	— 1,78,41,600	1,78,41,600

1	2	3	4
		Rs.	Rs.
31	Loans and Advances by State and Union Territory Governments ..	34,98,800	34,98,800
-	Inter-State Settlement ..	—	56,600
	GRAND TOTAL ..	8,90,29,300	2,34,81,100
			11,25,10,400

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of Article 204(1) read with Article 206 of the Constitution of India to provide for withdrawal out of the Consolidated Fund of the State of Himachal Pradesh of the moneys required to meet expenditure charged on the Consolidated Fund and other expenditure as Voted by the Legislative Assembly, equal to 1/12 of the estimated expenditure of Government of Himachal Pradesh for the financial year, 1973-74 pending the completion of the procedure prescribed in Article 203 and 204 of the Constitution of India.

SIMLA:

The 30th March, 1973.

Y. S. PARMAR,
Chief Minister.

RECOMMENDATION OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[Finance Department File No. 3/77/72 Fin. (A)]

The Governor, having been informed of the subject matter of the proposed Himachal Pradesh Appropriation Vote on Account Bill, 1973, recommends under Article 207 of the Constitution, the introduction in and consideration by the Legislative Assembly of the said Bill.

Simla-4, the 12th April, 1973

No. 10-16/73-VS.—In pursuance to Rule 135 of the Rules of Procedure and Conduct of Business of the H. P. Legislative Assembly, the H. P. (Extension of Laws) (Amendment) Bill, 1973 as introduced in the Assembly on the 12th April, 1973 is hereby published in the Government Gazette.

S. S. KANWAR,
Secretary.

Bill No. 13 of 1973.

THE HIMACHAL PRADESH (EXTENSION OF LAWS)
(AMENDMENT) BILL, 1973

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

*to amend the Himachal Pradesh (Extension of Laws) Act, 1969
(Act No. 25 of 1969).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh (Extension of Laws) (Amendment) Act, 1973.

(2) It shall come into force at once.

2. In first line of section 5 of the Himachal Pradesh (Extension of Laws) Act, 1969 for the word "after" the word "before" shall be and shall be deemed always to have been substituted.

Short
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Amend
of secti
of Act
25 of 1

STATEMENT OF OBJECTS AND REASONS

While scrutinizing the provisions of the Himachal Pradesh (Extension of Laws) Act, 1969 (Act No. 25 of 1969), it has been noticed that in line 1 of section 5 of the said Act the word "after" has been printed whereas it should have been "before". It is, therefore, considered necessary to amend the aforesaid section.

This Bill seeks to achieve the aforesaid object.

RAM LAL,
Minister-in-charge.

SIMLA:

The 1973.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil

Simla-4, the 12th April, 1973

No. 10-3/73-VS.—In pursuance to Rule 135 of the Rules of Procedure and Conduct of Business of the Legislative Assembly, the Press and Registration of Books and Newspapers (H. P. Amendment)) Bill, 1973 (Bill No. 12 of 1973) as introduced in the Assembly on 12th April, 1973 is hereby published in the Government Gazette.

S. S. KANWAR,
Secretary.

Bill No. 12 of 1973.

THE PRESS AND REGISTRATION OF BOOKS AND NEWSPAPERS
(HIMACHAL PRADESH AMENDMENT) BILL, 1973

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

to amend the Press and Registration of Books and Newspapers Act, 1867 (Act No. 25 of 1867) in its application to the State of Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Press and Registration of Books and Newspapers (Himachal Pradesh Amendment) Act, 1973.

Short title,
extent and
commencement.

(2) It shall extend to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. After sub-section (2) of section 4 of the Press and Registration of Books and Newspapers Act, 1867 (hereinafter referred to as the principal Act), the following sub-sections shall be added, namely:—

Amendment
of section 4.

“(3) As often as a press for the printing of books and papers having ceased to function is restarted, a new declaration shall be necessary.

(4) For the purposes of this Act a printing press shall be deemed to have ceased to function if no books or papers are printed therein for a period of six consecutive months.”

Insertion of
new section
4-A.

3. After section 4 of the principal Act, the following new section shall be added, namely:—

“4-A. Where any declaration is made and subscribed under section 4 in respect of a printing press, the declaration shall not, save in the case of printing press kept by the same person, be so accepted unless the Magistrate is satisfied from an enquiry made in this behalf from the State Government or otherwise that the press proposed to be started does not bear a title which is the same as, or similar to, that of any other press in existence in the State of Himachal Pradesh.

Repeal and
savings.

4. The Press and Registration of Books (Punjab Amendment) Act, 1942, and the Press and Registration of Books (Punjab Amendment) Act, 1957 as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 are hereby repealed:

Provided that anything done or any action taken in exercise of the powers conferred by or under the provisions of the Acts so repealed shall to the extent of its being consistent with the provisions of this Act be deemed to have been done or taken in exercise of the powers conferred by or under this Act, as if this Act was in force on the day on which such thing was done or action taken.

25 of 1867

14 of 1942

15 of 1957
31 of 1966

STATEMENT OF OBJECTS AND REASONS

At present, the Press and Registration of Books and Newspapers Act, 1867(Act No. 25 of 1867), which provides for the regulation of printing presses and newspapers, for the preservation of copies of books and newspapers printed and for the registration of such books and newspapers, is in force with different amendments, and provisions of law in the two and different areas of Himachal Pradesh, viz, the areas transferred to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 and the areas comprised in Himachal Pradesh before the 1st November, 1966. In former, the amendments as affected in the said Act by the Punjab Acts, No.14 of 1942, and 15 of 1957 are in force, while in the latter, no such amendments are in force. With a view to bringing about the uniformity in the matter of such law, it has been considered necessary to repeal the aforesaid amending Acts, and to enact a unified amending law for the whole of Himachal Pradesh. This Bill seeks to achieve the aforesaid object.

Y. S. PARMAR,
Chief Minister.

SIMLA:
The 1973.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM ON DELEGATED LEGISLATION

Nil

Simla-4, the 12th April, 1973

No. 10-4/73-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, the Himachal Pradesh Public Moneys (Recovery of Dues) Bill, 1973 (Bill No. 10 of 1973), as introduced in the Assembly on 12th April, 1973 is hereby published in the Government Gazette.

S. S. KANWAR,
Secretary.

Bill No. 10 of 1973.

THE HIMACHAL PRADESH PUBLIC MONEYS (RECOVERY
OF DUES) BILL, 1973

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A
BILL

to provide for the speedy recovery of certain classes of dues payable to the State.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Public Moneys (Recovery of Dues) Act, 1973.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(a) “financial assistance” means any financial assistance rendered—

(i) for purposes of vocational or technical training; or

(ii) for the construction of residential buildings; or

(iii) for providing drinking water *kuhl* or pipe line; or

(iv) for the development of animal husbandry, agriculture or horticulture; or

(v) for establishing, expanding or running any village or cottage industry; or

(vi) for purposes of any other kind of planned development; or

(vii) for relief against distress; or

(viii) for loan under the National Loan Scholarship Scheme;

(b) “State Government” means the Government of Himachal Pradesh.

3. (1) Where any person is a party—

(a) to any agreement relating to a loan, advance, grant, stipend or scholarship given to him by the State Government by way of financial assistance; or

(b) to any agreement relating to a guarantee given by the State Government in respect of a loan; or

(c) to any agreement providing that any money payable thereunder to the State Government shall be recoverable as arrears of land revenue; or

(d) to any agreement to sell or distribute goods or any other article supplied by or through the State Government; and such person—

(i) makes any default in the repayment of the loan, advance, stipend or scholarship or any instalment or interest thereof; or

(ii) having become liable under the conditions of the grant to refund the grant or any portion thereof, makes any default in repayment of such grant or portion or instalment thereof; or

(iii) having become liable to pay the price of the goods or any other article or interest thereof, fails to pay the same or part thereof; or

(iv) otherwise fails to comply with the terms of the agreement, then, such officer as may be authorised in this behalf by the State Government, by notification in the Official Gazette, may, without prejudice to any other mode of recovery under any other law for the time being in force, send a certificate to the Collector, mentioning the sum due from such

Short title, extent and commencement.
Definitions

Recovery of certain due as arrears of land revenue.

person and requesting that such sum together with the costs of the proceedings or any other sum, be recovered as if it were an arrear of land revenue.

(2) The Collector on receiving the certificate under sub-section (1) shall proceed to recover the amount stated therein as an arrear of land revenue.

STATEMENT OF OBJECTS AND REASONS

The State Government grants financial assistance towards technical training, construction of residential buildings, drinking water facilities, development of animal husbandry, agriculture, horticulture, establishing or running of village or cottage industries and other items for planned development against execution of an agreement between the Government and the loanee. These agreements have not proved to be effective measure to recover the loans with interest granted for any of the above purposes. It has, therefore, been considered necessary to enact a law enabling the Government to recover such dues as arrears of land revenue. This Bill seeks to achieve the above object.

SIMLA:
The 12th April, 1973.

DES RAJ MAHAJAN,
Minister-in-charge.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM ON DELEGATED LEGISLATION

Nil

Simla-4, the 12th April, 1973

No. 10-17/73-VS.—In pursuance to rule 135 of the Rules of Procedure and conduct of Business of the Himachal Pradesh Legislative Assembly, the Himachal Pradesh Repealing Bill, 1973 as introduced in the Assembly on the 12th April, 1973 is hereby published in the Government Gazette.

S. S. KANWAR,
Secretary.

Bill No. 14 of 1973.

THE HIMACHAL PRADESH REPEALING BILL, 1973

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A
BILL

to repeal certain enactments in their application to Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Repealing Act, 1973.

(2) It shall be deemed to have come into force on the first day of April, 1973.

2. The enactments specified in the schedule to this Act are hereby repealed to the extent mentioned in the fourth column thereof in their application to Himachal Pradesh.

Short title and commencement.

Repeal of certain enactments.

SCHEDULE

(See section 2)

Year 1	No. 2	Short title 3	Extent of repeal 4
1972	3	The Indian Stamp (Himachal Pradesh Amendment) Act, 1972.	The whole
1972	4	The Himachal Pradesh Passengers and Goods Taxation (Amendment) Act, 1972.	Section 3
1972	5	The Himachal Pradesh General Sales Tax (Amendment) Act, 1972.	The whole
1972	6	The Himachal Pradesh Entertainments Duty (Amendment) Act, 1972.	The whole
1972	11	The Himachal Pradesh Motor Spirit (Taxation of Sales) (Amendment) Act, 1972.	The whole.

STATEMENT OF OBJECTS AND REASONS

Due to the influx of Refugees from Bangla Desh into India during 1971, the financial burden of huge magnitude had to be borne by the Government of India, who, in order to meet the financial crises, advised the State Governments to augment the State resources for raising the additional funds to strengthen the financial position of the Government. Consequently, the Indian Stamp (Himachal Pradesh Amendment) Act, 1972, the Himachal Pradesh Passengers and Goods Taxation (Amendment) Act, 1972, the Himachal Pradesh General Sales Tax (Amendment) Act, 1972, the Himachal Pradesh Entertainments Duty (Amendment) Act, 1972 and the Himachal Pradesh Motor Spirit (Taxation of Sales) (Amendment) Act, 1972 were enacted. Now, as the refugees have gone back to Bangla Desh, it has been decided to discontinue the levies so imposed.

This Bill seeks to achieve the aforesaid object.

RAM LAL,
Minister-in-charge.

SIMLA:

The 12th April, 1973.

FINANCIAL MEMORANDUM

This Bill when enacted will deprive the State Government of the annual income of Rs. 1,65,000 approximately.

MEMORANDUM ON DELEGATED LEGISLATION

Nil

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

(Law Department file No. 5-7/73-LR)

The Governor of Himachal Pradesh having been informed of the subject matter of the Himachal Pradesh Repealing Bill, 1973, recommends Article 207 of the Constitution of India, the introduction and consideration of the Bill in the Legislative Assembly of Himachal Pradesh.

Simla-4, the 12th April, 1973

No. 10-2/73-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, the Himachal Pradesh Suppression of Indecent Advertisements Bill, 1973 (Bill No. 11 of 1973), as introduced in the Assembly on the 12th April, 1973 is hereby published in the Government Gazette.

S. S. KANWAR,
Secretary

Bill No. 11 of 1973.

THE HIMACHAL PRADESH SUPPERSION OF INDECENT ADVERTISEMENTS BILL, 1973

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A
BILL

to suppress indecent advertisements.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Suppression of Indecent Advertisements Act, 1973.

Short title,
extent and
commencement.

(2) It extends to the whole of the State of Himachal Pradesh.

(3) It shall come into force at once.

2. For the purposes of this Act any advertisement relating to syphilis, gonorrhoea, nervous debility or other complaint or infirmity arising from or relating to sexual intercourse shall be deemed to be printed or written matter of an indecent nature.

Interpretation.

3. (1) Whosoever affixes to, inscribes or stencils on any house, building, wall, boarding, gate, fence, pillar, post, board, tree, or any other thing whatsoever so as to be visible to a person being in or passing along any street, public highway or foot-path, and whoever affixes to, inscribes or stencils on any public latrine or urinal, or exhibits to public view on the cinema screen or in the window of any house or shop, any picture or printed or written matter which is of indecent nature, shall, on conviction, be punished with imprisonment of either description for a term which may extend to 6 months or with fine which may extend to 500/- rupees, or with both such imprisonment and fine.

Proceeding
against pe
sons affixin
etc., indec
ent pictur
es, or print
ed or writte
matter.

(2) Whenever any printed or written matter of an indecent nature has been displayed in the manner prohibited by sub-section (1), any person being in possession or control of the land, building, structure or premises to which such printed or written matter has been affixed who knowingly allows the same to be continued to be displayed shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to 500/- rupees, or with both such imprisonment and fine.

4. Whoever gives or delivers to any other person any such pictures, or printed or written matter mentioned in section 3 with the intent that the same, or some one or more thereof, should be affixed, inscribed, stencilled, or exhibited as therein mentioned, shall, on conviction, be punished with imprisonment of either description which may extend to one year or with fine which may extend to one thousand rupees, or with both such imprisonment and fine.

Proceeding
against pe
sons sendin
others to d
the act
punishable
under sec
tion 3.

Power to seize, remove, deface or destroy pictures or printed or written matter of an indecent nature.

Police officer may arrest on view of offence.

Exemption.

Repeal and savings.

5. If a District Magistrate, sub-Divisional Magistrate or Magistrate of the 1st Class has reason to believe that any picture or printed or written matter of an indecent nature which has been affixed, inscribed or stencilled as mentioned in section 3, continues to be exhibited to public view after the commencement of this Act, he may by order in writing authorise any police officer to enter, with such assistance as may be required, any place and seize, remove, deface or destroy any such picture or printed or written matter.

6. Any police officer may arrest without warrant any person whom he shall find committing any offence against this Act.

7. Nothing in this Act shall apply to any advertisement published by any municipal corporation or by any municipal, small town or notified area committee or published with the sanction of the State Government.

8. The Punjab Suppression of Indecent Advertisements Act, 1941 as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, is hereby repealed:

Provided that anything done or any action taken (including any notification issued, permission granted or proceedings commenced or continued) under the provision of the said Act, shall be deemed to have been done or taken under the corresponding provision of this Act.

7 of 1941

31 of 1966

STATEMENT OF OBJECTS AND REASONS

At present the Punjab Suppression of Indecent Advertisements Act, 1941 (Act No. 7 of 1941) is in force in the areas added to Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966. But there is no corresponding law in force in the areas comprised in Himachal Pradesh immediately before the 1st November, 1966. With a view to bringing about uniformity and for stopping all indecent advertisements in the shape of pictures, writings etc., which generally possess an element of nuisance for the public, it is necessary to have a law on the subject for the entire Himachal Pradesh. This Bill seeks to achieve the aforesaid object.

Y. S. PARMAR,
Chief Minister.

SIMLA:
The 12th April, 1973.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM ON DELEGATED LEGISLATION

Nil

उप-गियन्त्रक, मुद्रण तथा लेखन सामग्री, हिमाचल प्रदेश, शिमला-३ द्वारा मुद्रित तथा प्रकाशित ।